

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SETH MCGUIRE and
TRISHIEANA FRASIER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DEBORAH MCGUIRE,

Respondent-Appellant,

and

RONALD MCGUIRE,

Respondent.

UNPUBLISHED

April 14, 2005

No. 257531

Genesee Circuit Court

Family Division

LC No. 02-115925-NA

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (i), (j), and (l). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). With respect to MCL 712A.19b(3)(c)(i), the trial court found this ground for termination was met only as it related to Seth. The principal condition that led to adjudication was respondent-appellant's substance abuse. Respondent-appellant already had her parental rights terminated with respect to another minor child and the FIA was giving her an opportunity to address this issue so that she did not lose her parental rights to Seth. Respondent-appellant was sent to drug court and required to comply with drug screens. Respondent-appellant was discharged from drug court because she failed to appear for three of the four hearings, was not consistent with her drug screens and failed several of them, and even failed a drug screen knowing that she was pregnant with another child. The evidence was clear and convincing that respondent-appellant's substance abuse issue continued to be a problem, that she did not comply with her parent agency agreement, and that there was no reasonable likelihood

that the situation was going to change in a reasonable time given the age of the minor child. The trial court did not clearly err in making this determination. The same evidence established MCL 712A.19b(3)(j) with regard to both children. The minor children were very young, and there was a reasonable likelihood that the minor children would be harmed, based on respondent-appellant's conduct, if returned to her care.

The trial court also did not clearly err in finding that MCL 712A.19b(3)(i) and (l) were met by clear and convincing evidence as well. Respondent-appellant's rights to Sebastian McGuire were terminated as the result of her chronic substance abuse. She was given many opportunities to address this issue, but she did not comply with what was asked of her to show the trial court that she had successfully addressed it.

Finally, the evidence did not show that it was against the best interests of the minor children to terminate respondent-appellant's parental rights. MCL 712A.19b(5). Accordingly, the trial court did not err in entering the order that terminated her parental rights.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ David H. Sawyer
/s/ Kurtis T. Wilder